S.B.CRIMINAL MISC. BAIL APPLICATION NO. 5903/07
(Harmesh Singh Vs. State of Rajasthan)

DATE OF ORDER : 06/12/2007

HON'BLE MR.H.R.PANWAR, J.

Mr. Kishan Bansal for the petitioner.
Mr. Ashok Upadhayay, Public Prosecutor for State.

Heard learned counsel for the petitioner and Public Prosecutor for the State. Perused the order impugned.

The allegation against the present petitioner is that he committed the theft of cotton from a field which was in attachment on 20.10.2007. Learned counsel for the petitioner has invited my attention to the order sheet of the Court of Judicial Magistrate, Tibbi, Hanumangarh dated 23.11.2007 where the first informant was present and had signed the order sheet and prayed that he would sell the cotton which has been entrusted to him on Supardginama and deposit the amount. Thereafter, on 25.11.2007 he has lodged a report stating that theft has been committed in the field on 20.10.2007. Had the theft been committed on 20.10.2007, this fact could have been brought to the Court on 23.11.2007 when he agreed to sell the crops and deposit the amount.

Looking to the facts and circumstances of the case and having considered the oral arguments advanced by both the parties, without commenting on the merit of the case, I consider it just and proper to allow the bail application filed by the petitioner under Section 438 Cr.P.C.

Accordingly, the bail application filed by the petitioner u/s 438 Cr.P.C. is allowed and it is directed that in the event of arrest of petitioner Harmesh Singh S/o Shri Amir Singh in FIR No. 369/2007 P.S. Tibbi, he shall be released on bail for a

period till the police concludes the investigation and files the challan provided he furnishes a personal bond in the sum of Rs.10,000/- alongwith one surety of like amount to the satisfaction of Investigating Officer to surrender and appear before the trial court on the date of filing of the challan after conclusion of the investigation on the following conditions:-

(i)That he shall make himself available for interrogation by a police officer as and when required;

(ii)That he shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer and;

(iii)That he shall not leave India without the previous permission of the Court.

The petitioner shall surrender before the trial court on the date of filing of the challan and move a regular bail.

(H.R.PANWAR), J.

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